

1 **UNITED STATES DISTRICT COURT**
2 **DISTRICT OF NEVADA**
3

4 MONIQUE BORK,

5 Petitioner,

6 vs.

7 JO GENTRY, *et al.*,

8 Respondents.

Case No. 2:16-cv-01235-APG-VCF

ORDER

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10 This action is a petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254 by a
11 Nevada state prisoner represented by counsel.

12 Petitioner, by way of counsel, filed an amended petition and exhibits on February 28, 2017.
13 (ECF Nos. 17-21). Petitioner also filed a motion to partially waive Local Rule IA 10-3(e), which
14 requires the cover page of each exhibit to include a description of the exhibit. (ECF No. 24). Local
15 Rule IA 1-4 permits the Court to waive any of the local rules if the interests of justice so require.
16 Petitioner argues that adding descriptors to the cover page of each exhibit is unduly burdensome
17 give the large number of exhibits filed in this case, and given the limited resources of the Office of
18 the Federal Public Defender. Petitioner has filed an index of exhibits to the first amended petition
19 and each exhibit includes a cover sheet referencing the exhibit by number. The Court finds that the
20 interests of justice are best served by partially waiving Local Rule IA 10-3(e), so that the cover
21 page of each exhibit need not include a description of the exhibit.
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23 Also on February 28, 2017, petitioner filed a motion to seal her presentence report. (ECF
24 No. 22). Under Nevada law, the report is “confidential and must not be made a part of any public
25 record.” NRS 176.156(5). Some of petitioner’s claims deal with the imposition of the sentence in
26 her case in light of the sentencing recommendation found in the presentence report. Thus, the
27 report may be necessary in reviewing petitioner’s federal habeas claims. While courts prefer that
28 the public have access to judicial filings, *see Nixon v. Warner Communications Inc.*, 435 U.S. 589,

1 597 (1978), a party may request the sealing of a judicial record by demonstrating “compelling
2 reasons” to prevent public access, *see Kamakana v. City and Cnty. of Honolulu*, 447 F.3d 1172,
3 1178 (9th Cir. 2006). Given that the presentence report is confidential under state law, petitioner has
4 demonstrated compelling reasons to file the document under seal in this Court.

5 Respondents have filed an unopposed motion for an extension of time, up to and including
6 May 29, 2017, in which to file and serve a response to the amended petition. (ECF No. 25). Good
7 cause appearing, respondents’ motion is granted.

8 **IT IS THEREFORE ORDERED** that petitioner’s motion to partially waive Local Rule IA
9 10-3(e) (ECF No. 24) is **GRANTED**.

10 **IT IS FURTHER ORDERED** that petitioner’s motion to seal her presentence report (ECF
11 No. 22) is **GRANTED**. The Clerk of Court shall keep petitioner’s presentence report (Exhibit 12)
12 filed under seal.

13 **IT IS FURTHER ORDERED** that respondents’ motion for an extension of time (ECF No.
14 25) is **GRANTED**. Respondents shall file and serve their response to the amended petition not
15 later than May 29, 2017.

16 Dated this 24th day of April, 2017.

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20 ANDREW P. GORDON
21 UNITED STATES DISTRICT JUDGE
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